

ATTORNEY DOCKET NO. 0445 450 T AND TRADEMARK OFFICE IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)) 290			
	Dario (C. ALTIERI)				
	Octobe SURV CELL	n No.: 09/690,825 ober 18, 2000 RVIVIN, A PROTEIN THAT INHIBITS LLULAR APOPTOSIS AND ITS DULATION		Group Art Unit: 1642 Examiner: K. Canella			
		nmissioner for Patents D.C. 20231					
		AMENDMENT TRANSMI	TTAL F	ORM			
1.	Transmitted herewith is an Amendment responding to the Office Action dated August 30, 2001.						
2.	Additional papers enclosed:						
	[] [] [] []	Drawings: [] Formal [] Informal (Co. Information Disclosure Statement Form PTO-1449, references included Citations Declaration of Biological Deposit Submission of "Sequence Listing", compute pertaining thereto for biotechnology invested sequence.	led uter read				

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- [] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- [X] Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months	Fee for	[Fee for Small		
Requested	Extension	Entity]		
[] one month	\$ 110.00	\$ 55.00		
[X] two months	\$ 400.00	\$200.00		
[] three months	\$ 920.00	\$460.00		
[] four months	\$1,960.00	\$980.00		

Extension of time fee due with this request: \$400.00

If an additional extension of time is required, please consider this a Petition therefor.

[]	An extensio	n for months has already been secured and the fee paid therefor of
	\$	is deducted from the total fee due for the total months of extension
	now request	ed.

4. Constructive Petition

[X] EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §' 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	125	minus	93	32	x \$18 each=	+ \$576.00
Independent Claims (37 C.F.R.§1.16(b))	24	minus	24	0	x \$84 each=	+\$
[] First presentation of Multiple dependent claim(s) \$280.00					+\$	
SUB-TOTAL =					\$576.00	
Reduction by 2 for filing by a small entity					- \$	
TOTAL FEE =				\$ 576.00		

6. <u>Fee Payment</u>

- [X] The Commissioner is hereby authorized to charge <u>\$976.00</u> (\$576.00 for excess claims and \$400.00 for a two-month Extension of Time) to Deposit Account No. 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 30, 2002

By:

pany P. Ateng

Reg. No. 45.397

CUSTOMER NO. 09629 MORGAN, LEWIS & BOCKIUS LLP 1800 M Street, N.W. Washington, D.C. 20036-5869 202-467-7000



Attorney Docket No. 044574-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	pplication of:)	
Dario (C. ALTIERI)	•
Applic	ation No.: 09/690,825)	Group Art Unit: 1642
Filed:	October 18, 2000)	Examiner: K. Canella
For:	SURVIVIN, A PROTEIN THAT INHIBITS CELLULAR APOPTOSIS AND ITS MODULATION)	

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

AMENDMENT UNDER 37 C.F.R. §1.111

This paper responds to the Office Action dated August 30, 2001 (Paper No. 7). An extension of time for two months is being filed concurrently, thereby extending the period of response to January 30, 2002.

Applicants respectfully request reconsideration of this application in view of the following amendments and remarks.

Kindly amend the application as follows:

In the Claims:

Please cancel claims 39 and 40 without prejudice or disclaimer of the subject matter claimed therein.

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